



Gambler's Help Southern  
(03) 9575 5353  
gamblerhelpsouthern.org.au

## Gambling and the Law

### Is gambling an issue for your client?

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# Today we will talk about:



- what we did & why
- why it's newsworthy
- what we learned
- what comes next
- what you can do

# Project Team

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*Artist's Impression*



# What we did



## A brief history of the Gambling Justice Project ...

- Began 2016
  - partnership of community legal sector and Gambler's Help Southern
- Early 2017
  - Fact sheets for Lawyers and Magistry
  - Deputy Chief Magistrate Popovic circulated material to all Magistrates
- Mid 2017
  - development and pilot of training for Lawyers
- Late 2017
  - training session for Magistry at Melbourne Magistrates Court

# Fact sheets



## Is gambling an issue for your client?

Problem gambling is characterised by difficulties in limiting money and/or time spent on gambling which leads to adverse consequences for the person who gambles, others, or for the community.<sup>1</sup>

### Identifying problem gambling behaviours and consequences

The Diagnostic and Statistical Manual of Mental Disorders Fifth Edition (DSM 5)<sup>2</sup> defines gambling disorder as "persistent and recurrent gambling behaviour leading to clinically significant impairment or distress." It has nine criteria including:

- Has made repeated unsuccessful efforts to control, cut back or stop gambling.
- Often gambles when feeling distressed.
- After losing money gambling, they often return another day to get even.
- Lies to conceal the extent of involvement with gambling.
- Has jeopardised or lost a significant relationship, job, or educational/career opportunity because of gambling.
- Has jeopardised or lost also form the basis of numerous other self-screeners and clinically administered diagnostic tools that are used to identify problem gambling.

Consequences of problem gambling can include:

**Intrapersonal**  
Guilt, Shame, Stress, Depression, Anxiety, Financial problems, Trauma, Stigma, Mistrust of self, Deception, Family violence, Physical health problems, Unemployment, Homelessness, Substance abuse, Poverty, Suicide

**Offending Behaviours**  
Theft, Fraud, Embezzlement, Trafficking (people/drugs), Substance abuse, Fines, negligence, Manslaughter, Money laundering, Deception, Conspiracy

**Interpersonal**  
Social isolation, Arguments, Stress, Secrecy, Lying, Deception, Mistrust, Family violence, Homelessness, Unemployment, Separation, Divorce, Debt, Poverty, Suicide

### Why it matters to lawyers?

The prevalence of problem gambling in adult Victorians is estimated at 0.81 per cent (35,600 people), with 122,500 Victorian adults likely to have experienced harm because of someone else's gambling.<sup>3</sup> This is important for lawyers because of the connection between problem gambling and the law (such as crime, debt and family violence) as well as how it is perceived and treated by the justice system in Australia.

### Gambling and Crime

Although research suggests an association between problem gambling and crime, the nature and extent of this relationship in Victoria is not known due to the lack of screening/data collection systems and awareness of problem gambling as a public health issue within the criminal justice system. However, it is clear that the connection between the gambling and offending behaviours can be causal. Individuals with gambling problems may commit offences to finance their gambling activities or to replace gambling losses or repay gambling debts. Further, where loan sharks are involved, these same individuals (or their families) may be subjected to threats or actual violence to coerce repayment of loans.<sup>4</sup>

Sometimes people with gambling problems also have other addictions to drugs or alcohol and the issue can coexist with psychological problems like anxiety and depression.<sup>5</sup>

People with gambling problems are also more likely than people without gambling problems to be victims and perpetrators of family violence. Research shows that 34-53% of people with gambling problems and their family members have reported some form of family violence in the previous 12 months with parents, current partners and former partners being the most common types of family violence.<sup>6</sup>

### Problem Gambling and Family Violence

Much like the association between problem gambling and crime, the exact nature and extent of the complex relationship in Victoria between problem gambling and family violence requires more research.

Both victimisation and perpetration of family violence can be a result of gambling problems.<sup>7</sup> Research shows that 34-53% of people with gambling problems and their family members have reported some form of family violence<sup>8</sup> in the previous 12 months. Parents, current partners and former partners are the most common perpetrators and victims of the family violence.<sup>9</sup> Family violence is 3 times more likely to occur in families in which there is significant harm from gambling than in families in which there is no harm from gambling.<sup>10</sup>

### Problem Gambling and Infringements

The American Psychiatric Association classifies "gambling disorder" as a behavioural addiction.<sup>11</sup> Therefore, problem gambling could be likened to an infringement offence having a mental or intellectual impairment, disorder, disease or illness; hence the Court could exercise their powers under section 160 of the Infringements Act 2006.

Imposing fines would further drive people with gambling problems into financial poverty. The annual average expenditure of a person expending problem gambling is \$21,000,<sup>12</sup> which equates to over a quarter of the average adult full-time earnings in Australia.<sup>13</sup> Also, Victorians reporting problem gambling:<sup>14</sup>

- 92.17% report gambling more than they could afford to lose.
  - 73.48% had borrowed money or acid something to get money in order to gamble.
  - 61.48% had borrowed money or acid something to get money in order to gamble.
- Other imposed infringements are therefore likely to be unpayable.

### Problem Gambling and Vulnerable Groups

Research suggests that culturally and linguistically diverse communities within developed nations such as Australia tend to participate less than the overall population, those who do gamble are more likely to experience problems. A report from Victorian Casino Authority indicated that while people from Arabic, Chinese and Greek communities gambled less than the general population, gamble were up to 7 times more likely than Australian gamblers to develop severe problems with gambling.<sup>15</sup>

Intervention strategies are needed to address the very high rates of gambling problems.<sup>16</sup>

### How to get a Gambler's Help?

For confidential therapeutic and financial counselling, information and referral to gambling self-exclusion services, contact the Gambler's Help service on 1800 858 858 (24/7) or visit [gamblershelp.com.au](http://gamblershelp.com.au) to locate their nearest Gambler's Help service. Where appropriate, referrals might also be made to other services, partner or other family member. The individual should be in relation to their own gambling or that of a partner or other family member.

**Gambler's Help does not provide:**

- Psychological testing and reports

# Lawyer CPD session format



## Part 1 - Professional Skills

1. Gambling and harm
2. The importance of identifying gambling harm
3. Stigma and gambling harm
4. Asking about gambling

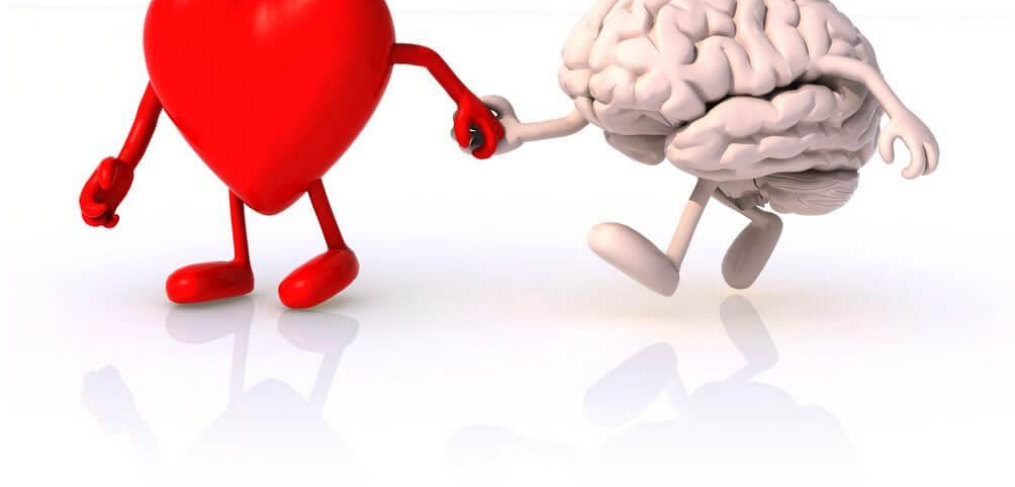
## Part 2 - Substantive Law

1. Gambling harm and vulnerable groups
2. Gambling harm, family violence, criminal offending and infringements - making submissions
3. Gambler's Help services and how to refer

# Why we did it



- Gambling not recognised by the Criminal Justice system as a legitimate public health or justice issue
  - clients re-stigmatised
  - isolated from appropriate justice interventions
- The holy grail - encouraging “asking the question”



- **Hearts & Minds mission**
- Lessons learned from AOD & Mental Health



# Why it's newsworthy



- Health-Justice partnership aiming for:
  - legislative and social change re gambling related harm
  - improved social justice outcomes for community
- Training and information to lawyers, legal professionals and Magistracy
  - impacts of gambling related harm on clients
  - links to common legal issues e.g. crime, infringements, family violence
  - stigma, importance of identification

# What did we learn?

Suzan - Lawyer



- Therapeutic legal practice requires identification of a range of mitigating factors
- Sector learning about gambling is where other issues were 5 - 10 years ago

# What did we learn?

Suzan - Lawyer



- Need lawyers trained to ask about gambling early
- Need lawyers comfortable using this in plea material
- Need the Magistry on-side

# Make friends

Suzan - Lawyer



- Refer clients to local Community Legal Centre or Victoria Legal Aid office asap
- Go online for Victoria Legal Aid applications and information about means testing
- Engage directly with the lawyer
  - consent form to share information

# Make friends

Suzan - Lawyer



Working with a duty lawyer:

- Prepare clients to speak to a duty lawyer on hearing day
- Ensure they arrive at Court at 9am and ask for the duty lawyer
- Ensure they have all their supporting material
  - letters, reports, character references

# Make friends

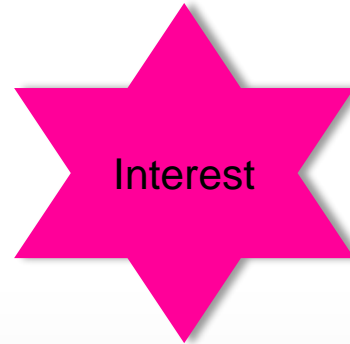
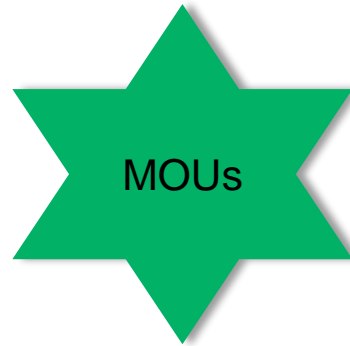
Suzan- Lawyer



- Review the Court therapeutic options
  - e.g. CISP, Koori Court or ARC for criminal charges
- Make referrals and ask questions
  - coordinators or registrars of therapeutic lists
  - after 11:30am but before 1pm
  - after 2:30pm but before 4pm

# What we learned - enablers

GHS Team



# What we learned - barriers

GHS Team



Stigma

Reach

Opportunity

Prejudice

Interest &  
enthusiasm  
aren't  
enough



# What comes next



- Sustainable training product
- More in-person training
- Bar College training
- Pilot project to track lawyers “asking the question”
- University curriculum
- GH listed in the bench book
- GH accredited as “Problem gambling treatment provider” re Fines

# What you can do



- Ask the question
- Justice sector workforce / other service providers:
  - contact local GH about PD, secondary consultation, referral
  - review assessment processes
  - display GH materials
- GH agencies:
  - join sector interest group
  - talk to your ASEO about this training

**After this session I'm going to...**





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**Thank you**

